



**OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS**

ANITA ALVAREZ
STATE'S ATTORNEY

CRIMINAL PROSECUTIONS BUREAU
2650 SOUTH CALIFORNIA AVE.
CHICAGO, ILLINOIS 60608

To: All Supervisors, Criminal Prosecutions Bureau

From: Joe Magats, Deputy Chief, Criminal Prosecutions Bureau

Re: Giglio material regarding Chicago Police Sergeant Brian Johnson, Star No. 1306

Date: January 29, 2016

Cc: Dan Kirk, First Assistant

Walt Hehner, Chief Deputy

Garvin Ambrsoe, Chief of Staff

Fabio Valentini, Chief, Criminal Prosecutions Bureau

Mike Golden, Chief, Special Prosecutions Bureau

Tisa Morris, Chief, Juvenile Justice Bureau

Donald Pechous, Acting Chief, Civil Actions Bureau

Brian Sexton, Chief, Narcotics Prosecutions Bureau

The Honorable Judge James Obbish, in the case of The People of The State of Illinois v. Princeton Williamson, 14CR-1872, has made findings regarding the credibility of Chicago Police Sergeant Brian Johnson, Star No. 1306 which impact his credibility should he testify in court in the future.

Pursuant to Brady v. Maryland, 373 US 83 (1963), the prosecution's disclosure of exculpatory information is part of the constitutional right to a fair trial. This duty of disclosure also includes evidence that may impeach the credibility of a prosecution witness. Giglio v. United States, 405 U.S. 150, 154 (1972).

In light of the existing case law, Judge Obbish's findings regarding Sergeant Johnson are Giglio material as "impeachment of a witness can make the difference between acquittal and conviction...where credibility is the central issue in the case and the evidence presented at trial consists of opposing stories presented by the defendant and government agents." United States v. Kiszewski, 877 F.2d 210, 216 (2nd Cir. 1985).

I have attached a Notice of Disclosure, as well the transcript of Judge Obbish's findings that is to be filed with the court and tendered to the defense in all cases where Sergeant Johnson is going to be called as witnesses. The MIS Department has run a search to determine whether Sergeant Johnson is a witness on any pending cases and the results of that search are attached. Please note that prior to being promoted to Sergeant; Sergeant Johnson was a detective with a star number of 20948. Units without an automated case management system will have to search their files to determine whether Sergeant Johnson is a witness on any pending case. In addition, cases in CRIMES where Sergeant Johnson has been listed as a participant will be flagged in order to remind the ASAs of the need to make this disclosure.

Also please remind your ASAs that the mere fact that this Giglio material is discoverable and has been tendered to the defense does not in and of itself mean that the defense can introduce the evidence at trial or cross-examine Sergeant Johnson on the material. The ASAs should, in the appropriate cases, file all necessary motions to preclude the use of the Giglio material at trial.

The case law in this area is, of course, set out in United States v. Brady, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). The timing of disclosure is governed by Weatherford v. Bursey, 429 U.S. 545 (1977). What needs to be disclosed is discussed in United States v. Agurs, 427 U.S. 97 (1976); United States v. Diaz, 922 F.2d (2nd Cir. 1990); United States v. Veras, 51 F.3d 1365 (7th Cir. 1995) and United States v. Kiszewski, 877 F.2d 210 (2nd Cir. 1989). Limiting the use of this type of information is discussed in People v. Driskell, 213 Ill.App.3d 196 (4th Dist. 1991) and People v. Fonza, 217 Ill.App.3d 883, 892 (1st Dist. 1991).

STATE OF ILLINOIS)

SS.

COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY

PEOPLE OF THE STATE OF ILLINOIS)

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NOTICE OF DISCLOSURE TO THE DEFENDANT

Now come the People of the State of Illinois by their attorney Anita Alvarez, State's Attorney of Cook County, Illinois, through her assistants / and / hereby disclose to the defendant as follows:

1. Judge James Obbish, in the case of The People of the State of Illinois v. Princeton Williamson, Indictment No. 14CR-1872 made findings regarding the testimony of Chicago Police Sergeant Brian Johnson, Star No. 1306 that may impact his credibility should he testify in court in the future.
2. A copy of the transcript of Judge Obbish's findings with respect to Sergeant Johnson is attached as Exhibit A.

Respectfully submitted,

Anita Alvarez
State's Attorney of Cook County

By:

Assistant State's Attorney

Assistant State's Attorney